REVENUE (195 48) Department

SERIES.

G.O. No. 401

Dated 23.8.48.

[Despatch Abstract.]

Acts—The Madras Estates Land (Reduction of Rent) Act, 1947--(Madras Act XXX of 1947)--Papers--Recorded

Government of Madras

LEGAL DEPARTMENT

G.O. No. 112, 13th September 1947

Bills—The Madras Estates Land (Reduction of Rent) Bill, 1947—Publication ordered under the proviso to rule 73 of the Madras Assembly Rules.

Order—No. 112, Legal, dated 13th September 1947.

The order of His Excellency the Governor directing the publication of the Madras Estates Land (Reduction of Rent) Bill, 1947, is annexed to these proceedings.

2. The Bill, with the Statement of Objects and Reasons, will be published in the *Fort St. George Gazette* in English and in the Tamil and Telugu languages.

3. The Hon'ble Sri Kala Venkata Rao will be in charge of the Bill.

(By order of His Excellency the Governor)

K. V. RAJAGOPALAN,
Joint Secretary to Government.

To the Superintendent, Government Press.
" Senior Translator to Government.
" Revenue Department.
" Secretary, Madras Legislature
" Private Secretary to His Excellency the Governor.

ANNEXURE.

Order of His Excellency the Governor.

Under the proviso to rule 73 of the Madras Assembly Rules, His Excellency the Governor directs the publication of the Madras Estates Land (Reduction of Rent) Bill, 1947, with the Statement of Objects and Reasons.

APPENDIX.

Bill to be introduced in the Legislative Assembly of the Province of Madras.

Under the proviso to rule 73 of the Madras Assembly Rules, the following Bill, together with the Statement of Objects and Reasons, is published for general information :—

A Bill to provide for the reduction of rents in estates governed by the Madras Estates Land Act, 1908, approximately to the level of the assessments levied on lands in ryotwari areas in the neighbourhood.

WHEREAS it is the policy of Government to acquire the interests of landholders in estates now governed by the Madras Estates Land Act, 1908, and to introduce the ryotwari settlement therein :

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AND WHEREAS it will take some time fully to give effect to this policy in all the estates in the Province;

AND WHEREAS the rents now payable by ryots in estates are in many cases substantially higher than the assessments levied on lands in ryotwari areas in the neighbourhood

AND WHEREAS there is a persistent demand for the reduction of such rents;

AND WHEREAS it is expedient, pending the implementation of the policy aforesaid, to provide for the reduction of rents in estates approximately to the level of the ryotwari assessment in the neighbourhood and for the mutual adjustment of rights between the landholders and the ryots concerned after ryotwari assessments have been finally fixed on lands in such estates;

It is hereby enacted as follows:—

Short title and application.

1. (1) This Act may be called the Madras Estates Land (Reduction of Rent) Act, 1947.

(2) It applies to all estates as defined in section 3, clause (2) of the Madras Estates Land Act, 1908. Madras Act I of 1908.

Special Officer to determine rates of rent with reference to assessments in neighbouring ryotwari areas.

2. (1) The Provincial Government may appoint a Special Officer for any estate or estates, for the purpose of determining fair and equitable rates of rent for lands in such estate or estates, taking the assessment fixed for similar ryotwari lands in the neighbourhood as the basis

(2) The rates shall be determined separately for each village in an estate, and in each village separately for each class of lands therein, namely, wet, dry and garden.

(3) The rates determined for each village shall be based, as far as possible, on the average assessments prevailing in respect of the different classes of land in the nearest ryotwari village of a generally similar character, due allowance being made for any difference in the conditions prevailing in the two villages.

(4) Nothing contained in this section shall be deemed to enable the Special Officer to determine for any land a rate of rent higher than that payable therefor at the commencement of this Act.

Special provision for cases where rent is payable in kind, etc.

3. (1) Where at the commencement of this Act, rent is paid, in respect of any land in an estate, in kind or on the estimated value of a portion of the crop or at rates varying with the crop, whether in cash or in kind, or partly in one of these ways and partly in another, or partly in one or more of these ways and partly in cash, the rent shall first be commuted into a definite money rent in accordance with the rules made by the Provincial Government under section 8.

(2) Any rates of rent determined under section 2 for any class of lands in any village shall also apply to the lands referred to in sub-section (1) which are situated in the same village and are of the same class, provided the rent determined in accordance with those rates is lower than the commuted money rent referred to in sub-section (1).

Power of Provincial Government to reduce rates of rent after considering Special Officer's report.

4. (1) After completing his work in any estate, the Special Officer shall submit a report to the Provincial Government, through the Board of Revenue, specifying the rates as determined by him for lands in such estate, together with the reasons for his determination.

(2) After considering the said report and the recommendations of the Board of Revenue thereon, the Provincial Government may, by order published in the *Fort St. George Gazette*, reduce the rates of rent payable in respect of each class of land in each village in the estate.

(3) An order under sub-section (2) shall take effect from the commencement of the fasli year 1357.

Payment of rent in certain cases.

5. Where an order is published under section 4, sub-section (2), in respect of any estate, rents for lands in that estate shall be payable only in money and at rates not exceeding those fixed in the order, notwithstanding anything contained in the Madras Estates Land Act, 1908.

Madras Act I of 1908.

Bar of jurisdiction.

6. No order under section 4, sub-section (2), shall be liable to be questioned in any Court of Law.

Adjustment of rights of landholders and ryots after ryotwari assessment is finally fixed.

7. (1) All rents fixed for lands in any estate by an order made under section 4, sub-section (2), shall be deemed to have been provisionally fixed; and the assessments fixed for such lands by the ryotwari settlement introduced in the estate in accordance with the provisions of any law which may hereafter be passed on the subject, shall be deemed to be the rents lawfully due to the landholder for the period commencing with fasli year 1357 and ending with the commencement of the fasli year in which the estate may finally be taken over by the Provincial Government; and the rights of the landholder and the ryots shall be adjusted accordingly.

(2) The Provincial Government shall have power to direct that any amount found to be due on such adjustment from any ryot to the landholder or *vice versa* shall be paid either in a lump sum or in such number of annual instalments as may be fixed by them, and the amount or each instalment thereof, as the case may be, shall be paid on or before such date as may be fixed by the Provincial Government.

Power to make rules.

8. The Provincial Government may make rules to carry out the purposes of this Act.

Power to remove difficulties.

9. If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

STATEMENT OF OBJECTS AND REASONS.

It is the policy of Government to replace the zamindari by the ryotwari system at the earliest possible date. It will however take some time to pass the requisite legislation on the subject and to bring it into force in all the estates in this Province.

2. The agrarian situation in estates, especially in the Circars, is worsening day by day and there is a growing agitation for the reduction of the high rents which prevail now. The Government consider that some immediate relief should be given to ryots and the object of this Bill is to provide for the reduction of rents in estates roughly to the level of the assessment prevailing in the neighbouring ryotwari areas. After the assessment has been finally fixed, the rights *inter se* of landholders and ryots in respect of the intervening period commencing with the current fasli will be suitably adjusted.

KALA VENKATA RAO.

As introduced in the Assembly.

A Bill to provide for the reduction of rents in estate governed by the Madras Estates Land Act, 1908, approximately to the level of the assessments levied on lands in ryotwari areas in the neighbourhood.

WHEREAS it is the policy of Government to acquire the interests of landholders in estates now governed by the Madras Estates Land Act, 1908, and to introduce the ryotwari settlement therein;

Madras Act I of 1908.

AND WHEREAS it will take some time fully to give effect to this policy in all the estates in the Province;

AND WHEREAS the rents now payable by ryots in estates are in many cases substantially higher than the assessments levied on lands in ryotwari areas in the neighbourhood;

AND WHEREAS it is expedient, pending the implementation of the policy aforesaid, to provide for the reduction of rents in estates approximately to the level of the ryotwari assessment in the neighbourhood and for the mutual adjustment of rights between the landholders and the ryots concerned after ryotwari assessments have been finally fixed on lands in such estates;

Madras Act I of 1908.

It is hereby enacted as follows:-

Short title and application.

1. (1) This Act may be called the Madras Estates Land (Reduction of Rent), Act, 1947.

(2) It applies to all estates as defined in section 3, clause (2), of the Madras Estates Land Act, 1908.

Special Officer to determine rates of rent with reference to assessment in neighbouring ryotwari areas.

(2) (1) The Provincial Government may appoint a Special Officer for any estate or estates, for the purpose of determining fair and equitable rates of rent for lands in such estate or estates, taking the assessment fixed for similar ryotwari lands in the neighbourhood as the basis.

(2) The rates shall be determined separately for each village in an estate, and in each village separately for each class of lands therein, namely, wet, dry and garden.

(3) The rates determined for each village shall be based, as far as possible, on the average assessments prevailing in respect of the different classes of land in the nearest ryotwarivillage of a generally similar character, due allowance being made for any difference in the conditions prevailing in the two villages.

(4) Nothing contained in this section shall be deemed to enable the Special Officer to determine for any land a rate of rent higher than that payable therefor at the commencement of this Act.

Special provision for cases where rent is payable in kind, etc.

3. (1) Where at the commencement of this Act, rent is paid, in respect of any land in an estate, in kind or on the estimated value of a portion of the crop or at rates varying with the crop, whether in cash or in kind, or partly in one of these ways and partly in another, or partly in one or more of these ways and partly in cash, the rent shall first be commuted into a definite money rent in accordance with the rules made by the Provincial Government under section 8.

(2) Any rates of rent determined under section 2 for any class of lands in any village shall also apply to the lands referred to in sub-section (1) which are situated in the same village and are of the same class, provided the rent determined in accordance with those rates is lower than the commuted money rent referred to in sub-section (1).

Power of Provincial Government to reduce rates of rent after considering Special Officer's report.

4. (1) After completing his work in any estate, the Special Officer shall submit a report to the Provincial Government, through the Board of Revenue, specifying the rates as determined by him for lands in such estate, together with the reasons for his determination.

(2) After considering the said report and the recommendations of the Board of Revenue thereon, the Provincial Government may, by order published in the Fort St. George Gazette, reduce the rates of rent payable in respect of each class of land in each village in the estate.

(3) An order under sub-section (2) shall take effect from the commencement of the fasli year 1357.

Payment of rent in certain cases.

5. Where an order is published under section 4, subsection (2), in respect of any estate, rents for lands in that estate shall be payable only in money and at rates not exceeding those fixed in the order, notwithstanding anything contained in the Madras Estates Land Act, 1908.

Bar of Jurisdiction.

6. No Order under section 4, sub-section (2) shall be liable to be questioned in any Court of Law.

Adjustment of rights of landholders and ryots after ryotwari assessment is finally fixed.

7. (1) All rents fixed for lands in any estate by an order made under section 4, sub-section (2), shall be deemed to have been provisionally fixed; and the assessments fixed for such lands by the ryotwarisettlement introduced in the estate in accordance with the provisions of any law which may hereafter be passed on the subject, shall be deemed to be the rents lawfully due to the landholder for the period commencing with fasli year 1357 and ending with the commencement of the fasli year in which the estate may finally be taken over by the Provincial Government; and the rights of the landholder and the ryots shall be adjusted accordingly.

(2) The Provincial Government shall have power to direct that any amount found to be due on such adjustment from any ryot to the landholder or VICE VERSA shall be paid either in a lump sum or in such number of annual instalments as may be fixed by them, and the amount or each instalment thereof, as the case may be, shall be paid on or before such date as may be fixed by the Provincial Government.

8. The Provincial Government may made rules to/ Power to carry out the purposes of this Act. make rules.

9. If any difficulty arises in giving effect to/Power to the provisions of this Act, the Provincial Govern- remove di-ment may, as occasion may require, by order, do fficulties. anything which appears to them necessary for the purpose of removing the difficulty.

STATEMENT OF OBJECTS AND REASONS.

It is the policy of Government to replace the zamindari by the ryotwari system at the earliest possible date. It will however take some time to pass the requisite legislation on the subject and to bring it into force in all the estates in this Province.

2. The agraaian situation in estates, especially in the Circars, is worsening day by day and there is a growing agitationfor the reduction of he high rents which prevail now. The Government consider that some immediate relief should be given to ryots and the object of this Bill is to provide for the reduction of rents in estates roughly to the level of the assessment prevalling in the neighbouring ryotwari areas. After the assessment has been finally fixed, the rights inter se of landholders and ryots in respect of th intervining period commencing with the current fasli will be suitably adjusted.

KALA VENKATA RAO.

(By Order of His Excellency the Governor)

K.V. RAGHAVAGOPALAN,
JOINT SECRETARY TO GOVERNMENT, LEGAL DEPARTMENT.

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REVENUE DEPARTMENT.
Subject.

ESTATES: Reduction of rents--The Madras Estates Land(Reduction of Rent) Bill 1947--Draft rules and remarks on Bill--Submitted to the Government.

Res. Mis.No.1404/47.

Station: Madras. Dated: the 10th October 1947.

From

C.A. Ramakrishnan Esq., I.C.S., Joint Secretary, Board of Revenue.
S. Ranganathan Esq., O.B.E., I.C.S., Commissioner of Land Revenue and Commercial Taxes.
V.N. Kudva Esq., C.I.E., I.C.S., Commissioner of Land Revenue Excise and Prohibition
C.K. Vijayaraghavan Esq., I.C.S., Commissioner of Civil Supplies and Separate Revenue.

Read the following:

From the Government of Madras Memorandum No.771-M/47-5 Revenue Department dated/th 17th September 1947.

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and 8 of the bill.

(2) ~~A draft of the rules to be made under clauses~~ Proposals for the appointment of special officers referred to in clause 2 of the Bill.

(3) Proposals for the subordinate staff that may be necessary to give effect to the provisions of the Act;

2. The points are dealt with seriatim below:- The Board begs to offer the following remarks on the provision of the Bill:

Section 1 of the Bill: The Board observes that the bill applies also to whole Inam village. These are very large in number. The problem of settling rent in Inam villages may raise complicated questions, if for no other reason at least because most of the inam villages are not surveyed, the inamdars might be many in number for each village and systematic accounts may not be forthcoming to the extent obtaining in Estates. This difficulty cannot, perhaps be helped, especially, as it will exist in the case of several Estates also.

Section 2. Sub-clauses 2 & 3: It is proposed in the Bill to determine the rate of assessment for dry garden and wetland separately, for each village in an estate. These rates are proposed to be determined with reference to the average assessment in the nearest ryotwari village of a generally similar character due allowance being made for any difference in the condition prevailing in the two villages. In paragraph 3 (c) of B.P. Mis.698 strictly confidential No.E5-dated 3.6.47, the Board suggests that in order to arrive at suitable interim assessments in respect of lands inestates, the average wet, garden and dry rates per acre of the nearest ryotwari area in the same district in which conditions are similar to those obtaining in the Zamindari, or inam village in question, be worked out as also the average wet, dry and garden rates of rent in the Zamindari or inam village. It was proposed that Interim wet dry or garden rent on each Patta in the Zamindari or inam village might be worked out by multiplying the existing wet dry, or garden rent on the patta by a factor which would be approximately the average wet, dry or garden ryotwari rate referred to, divided by the average wet, dry or garden Zamin rate. The fraction in each case was to be approved by the Board. The necessary simplification and approximation were also to be made to make the fraction easy to work with.. Under the Board's proposal, the work involved in fixing interim rents would be comparatively simple. The proposals made in the Bill (which require rate to be worked for each estate village by comparison with those of the neighbouring ryotwari village) would involve much more work and require a much larger staff. In as much as under clause (1) of the bill the interim assessment is only of a provisional nature to be later on asjusted in the light of subsequent ryotwari settlement, it appears desirable to fix the Interim rent on as simple a basis as possible. The proposal in the bill would involve detailed work in each and every estate village and would not only require a very large staff but take a very long time to complete. The Board would, therefore, reiterate its proposals with regard to fixing of interim assessments contained in para 3(c) of B.P.Mis.No.698, strictly confidential dated/3.6.47.

If the Government however decide to retain the existing clause the Board would make the following suggestion. While fixing interim rents, the Zamindari tarams should be retained as far as possible and interim rent based on ryotwari rates corresponding to these tarams should be fixed. There ought to be graded rates of assessment within each class of land, i.e. wet, dry and garden, corresponding to the prevailing rates of rent within each class. In other words, instead of having only a single set of rates for a village, there should be as many sets as the nature of the wet, dry and garden lands in the village may fairly require.

Section 3: This section makes special provision for cases where rent is payable partly or wholly in kind. It provides that

money rent. This could be done by adopting the procedure in section 40 of the Estates Land Act. The commutation rate for the village as a whole may be arrived at, and this may be applied to the rent in kind on each holding to arrive at the money rent. Sub-clause (2) provides that if the commuted money rent is higher than the rate of rent fixed under section 2 of the Bill, the latter shall be adopted. It may be observed that though there is no insuperable difficulty in adopting the method prescribed in section 3 of the Bill, it would involve very considerable work if the money rent on each holding, has tobe fixed in accordance with the provisions of section 40 of the Estates Land Act. It has to be pointed out that rent reduction and not commutation is the object in view. The Board would, therefore, suggest the following three alternatives for the consideration of the Government.

(i) Rents payable in kind may be left alone till a regular ryotwari settlement is made.
ii) Rate of varam may be reduced by the same fraction as that adopted for the same village or a similar village in respect of lands paying cash rent.
(iii) Commutation may be dropped and section 3(1) may be omitted and the rates of rent fixed under Sec.2 of the Act for cash rent lands in the same village or similar villages in the same or neighbouring estate may be adopted in all cases.

If, however, the Government consider that the commutation into money rent should be made as provided in Section 3(1), the Board submits that the following procedure may be adopted. The provisions of section 40 of the Estates Land Act may be followed as far as possible.

The prices recorded at the taluk Headquarters concerned may be taken as the basis for commutation. The number of years, prices in which should be averaged, may be taken as the ten non-famine years ending with Falsi 1348, the prices during the inflationary years 1940 to 47 being excluded in arriving at the commutation rates.

Section 4: Provision may be made in this section to enable the special Officer to submit his report when the work even in a portion of an estate, example a portion of the estate lying in one district or part thereof, has been completed.

Section5: According to this section the rate of rent payable to Zamindar will become reduced even prior to his estate being taken over and compensation being paid to him. As this would amount to expropriation, the Board considers, that some provision must be made for at least a proportionate reduction of Peishkush during this period.

Section:7 The Board considers that no adjustments such as those contemplated in this section are necessary. The interim rates may be declared to be the lawful rates payable from the fasli in which they are fixed, and up to the Fasli in which the tyot-wari settlement rates fixed, may be made payable to the Government. Adjustment will mean unnecessary work and cause confusion besides demanding expenditure on staff, accounts etc.

If, however, the Government consider that the section should be retained and that such adjustment should be made, the board would submit that provision ought to be made for the recovery by the Government of the amount under Section 7(2) not paid in accordance with the directions issued by the Government as an arrear of land revenue andpayment of the same to the land-holder or ryot as the case may be.

to be made under clause 3(1) and 8 of the Act, one on the basis that the interim rents will be fixed in accordance with the procedure suggested in para 3(c) of the B.P.Mis.698 Confidential No.E5 dated/3.6.47 and the other that they will be fixed in accordance with the provisions in the bill.

4. It is necessary that the work of fixing the interim rents should be completed in a year or two, as otherwise the general uncertainity created by the present bill and the Zamindari Abolition Bill may result in Zamindars being unable to collect any rents at all from ryots. The staff to be appointed should accordingly be large enough to complete the work in a year or two. The Special Officer referred to in clause 2 of the Bill will have to be the Director of Settlement proposed to be appointed in connection with the Zamindari Abolition Bill. He may have two Gazetted Assistants of the rank of Deputy Collector for doing field work, one in Telugu and one in Tamil area respectively. The officers should have been suitably trained to do the work. They must be given a suitable special pay. Each of the officers should have the following staffs:

One Camp Clerk.	---	(45-3-60-2-90).
2 peons under the Deputy Collector.	---	(16½ - 24).
1 Deputy, Tahsildar.	-----	(150.5.200)
1 Peon under the Deputy Tahsildar	----	(16-½-24)
1 Upper Division Clerk.	----	(80-3-95-5-110)
2 Lower Division Clerks.	----	(45-3-60-2-90)
2 Peons for the office.	----	(16½-½-24)

The following staff will have to be employed in the Board's office:

One Manager in the grade of Senior Superintendent I.Grade - Rs.250-10-300. and two sections each consisting of.

One Junior Superintendent.	(Rs.140-5-190).
3 Upper Division Clerks.	(80-3-95-5-125)
4 Lower Division Clerks.	(45-3-60-2-90)
3 Peons.	(Rs,16-½-24).

The two sections will deal with the work relating to Estates and Inam villages in Telegu and Tamil areas respectively. The establishment under the Deputy Collectors will have to be increased as the work progresses, so that the work in each estate may be completed within the period programmed. Attention is solicited in this connection to para 13 of B.P. Mis.No.1004 Confidential dated/28.7.1947.

(Sd.)
INT SECRETA

(1) Every Special Officer appointed under Section 2 of the Act for the purpose of determining fair and equitable rates of rent for lands in estates is hereby invested with,

(i) all the powers exercised by a Civil Court in the trials of suits;
(ii) power to enter upon any land with his subordinates and inspect survey, measure and do any other act which in his opinion is necessary for determining a fir and equitable rent under the Act for lands in the Estate;

(iii) power to cut and thrash the crops on any land and to weigh or measure the produce with a view to estimating the capabilities of the soil.

(2) The proceedings of the Special Offier shall be summary and shall be governed so far as may be practicable by the provisions of the C.P.C. having regard to

(a) the issue and service of summons,
(b) the examination of parties and witnesses;
(c) the production of documents.

(3) The Special Officer shall publish a notice specifying the date or dates on which the proposes to conduct enquiries for determining the fair and equitable rents. The notice shall be published in the manner prescribed by the Board of Revenue atleast a week prior to the date of the enquiry. The special Officer shall take into consideration any representation made to him during the course of the enquiry and he may make such enquiries as he thinks necessary for determining the fair and equitable rents.

(4) The powers of the Special Officer under Rules 1 to 3 above may be exercised by any officer subordinate to the Special Officer empowered by the Provincial Government in this behalf.

(5) Rents paid in kind shall be commuted into money rents under section 3(1) in the following manner:

(a) The Special Officer shall determine the average value of the rent actually accrued due to the land-holder during the ten fasli years 1339 to 1348, excluding out of this period, the years which the Provincial Government may notify or have notified to have been famine years in respect of any local area, or if the value for such period cannot be ascertained, during any shorter period for which evidence may be available, excluding famine years.

(b) The average prices by which the Special Officer shall be guided shall be those published under the authority of the Provincial Government which shall be presumed to be correct. The prices at the Headquarters of the Revenue Taluk in which the estate village in question is situate shall be adopted for the purposes of commutation into money rent.

(6) The Special Officer shall cause a notice to be published in each village in such manner as may be prescribed secifying,

(i) The rates of rent proposed to be fixed by him under Sectic 2,
(ii) The commuted money rent arrived at by him under section 3(c), if any, and
(iii) the rate of rent fixed if any under section 3(2).

The....

The notice shall specify a date by which objections to the rates of rent proposed may be submitted to the Special Officer or any other officer authorised in this behalf. (The date shall not be earlier than a fortnight from date of publication of the notice).

The Special Officer may himself enquire into the objections received under the foregoing clause or depute one of his assistants for this purpose. After considering the records of enquiry into the objections and after such personal enquiry as he may think necessary, the Special Officer shall submit to the Government through the Board of Revenue his final recommendation in regard to the rates of rent to be fixed for the village.

(7) On receipt of the Special Officer's report the Board of Revenue may call for such further information or direct such further enquiry as it may think necessary and on receipt thereof shall submit the Special Officer's report with its recommendation to Government.

Draft rules under sections 3 and 8 of the Madras Estates Land (Reduction of rent) Act of 1947.

(N.B. Based on the Board's proposals for fixing interim rents contained in B.P.Mis 698-strictly Confidential d/3.6.47.)

In Exercise of the powers conferred by sections 3 and 8 of the Madras Estates Land (Reduction of Rent) Act of 1947 the Provincial Government is pleased to make the following rules:-

(1) Every Special Officer appointed under section 2 of the Act for the purpose of determining fair and equitable rates of rent for lands in estates is hereby invested with,

(i) all the powers exercised by a civil court in the trial of suits;
(ii) power to enter upon any land with his subordinates and inspect survey measure and do any other Act which in his opinion is necessary for determining a fair and equitable rent under the Act for lands in the ~~XX~~ estate;

(iii) power to cut and thrash the crops on any land and to weigh or measure the produce with a view to estimating the capabilities of the soil.

(2) The proceedings of the Special Officer shall be summary and shal l be governed so far as may be practicable by the provisions of the criminal procedure Code having regard to
(a) the issue and service of summons;
(b) the examination of parties and witnesses;
(c) the production of documents.
(3) The Special Officer shall publish a notice specifying the date or dates on which he proposes to conduct enquiries for determining the fair and equitable rents. The notice shall be published in the manner prescribed by the Board of Revenue at least a week prior to the date of the enquiry. The Special Officer shall take into consideration any representation made to him during the course of the enquiry and he may make such enquiries as he thinks necessary for determining the fair and equitable rents.

(4) The powers of the Special Officer under rules 1 to 3 above may be exercised by any officer subordinate to the Special Officer empowered by the Provincial Government in this behalf.

(5) The Special Officer shall cause a notice to be published in such manner as may be prescribed specifying the recommendations proposed to be made by him under section 4(1) in regard to the determination of the rates of rent for the village. It shall

	Dry Rs.	Wet A. Ps.	Garden per acre.
(a) Rates of rent prevailing in the village (1) (2) (3)			
Total rent for each class.			
Class of lands in the village.			
Exten of each class of land in the village.			
Average.			
(b) Average rate of assessment per acre prevailing in the nearest ryotwari area (in the same district) in which conditions are similar to those prevailing in the estate village (ryotwari area compared to be specified.)			
(c) Proportion by which the rates of rent in the village is proposed to be reduced.			

The notice shall specify a date by which objections to the proposals may be submitted to the Special Officer or other officer authorised. The date shall not be earlier than a fortnight from the date of publicationof the notice. The Special officer may enquire obections any of his subordinate officers in this behalf. On considering the record of enquiry into the objections and after making such further enquiries as he ~~xxxxxxxx~~ thinks necessary the Special Officer submit to the provincial Governmentthrough the Board of Revenue his final recommendations in regard to the rates of rent to be fixed.

(6) On receipt of the Special Officer's report the Board of Revenue may call for such further information or direct such further enquiry as it may think necessary and on receipt thereof shall submit the Special Officer's report with its recommendations to Government.

(Sd.)
for JOINT SECRETARY.

OFFICE ASSISTANT 8/6
MADRAS RECORD OFFICE.

OFFICE NOTE BY THE SPECIAL OFFICER.

My remarks on the revised draft of the Madras Estates Land (Reduction of rent) Bill, 1947 as amended by the Select Committee are as follows.

In section 2(2) the Special Officer is directed to first determine in respect of each village in an estate the average rate of cash rent per acre prevailing at the commencement of the Act for each class of ryoti land, such as wet, dry and garden. He shall then determine under 2(b) the average rate of assessment per acre in respect of each of the said classes of land in the nearest ryotwari area in which conditions are generally similar to the village in question. Then under section 2(3) he shall compare the average rates determined under sub-section (2) clause (a) with the average rates determined under sub section (2) clause (b) making the allowance for any differences in the conditions prevailing between the two villages under comparison, and as a result he shall determine the extent, by which I presume is meant the proportion by which rates of rents payable for each class of lands in the village should be reduced and thereafter calculate the rates of rent payable for each such class of land after such reduction.

3. It will be noticed that though each village is for convenience referred to in the subsequent portion of section 2 as "principal village", it isnot the idea under this Act to select typical villages for comparison in any portion of the tract in order to carry out the comparison between each village of the zamindari area and the adjacent ryotwari village. The present method will be a very laborious and tedious way of doing the work. It is obvious that over a tract comprising several villages the simplest way would be to select typical villages for the purpose of comparison and then arrive at the proportion contemplated in section 2(3) and apply that proportion in working out the new rents. As it stands at present the Special Officer is bound by law to consider the case of each village separately and I doubt if the work can be completed expeditiously because there are, I believe, over 10,000 villages involved. It seems to me desirable to introduce the comparison of typical villages in a zamin tract with adjacent ryotwari villages and arrive at the proportion to be fixed under section 2(3) and average out this proportion over the tract and apply it to all the villages in that tract or apply the proportion to a considerable number of villages which are contiguous to each typical village that is selected for making the preliminary scrutiny and calculations.

(Sd.

Revenue Department.

Estates--Reduction of rents--The Madras Estates Land (Reduction of Rent) Bill, 1947--As Amended by the Select Committee--Board's comments--Submitted.

- -

Resolution.

The Board submits the following comments on the Madras Estates Land (Reduction of Rent) Bill, 1948, as amended by the Select Committee:-

Clause (2). The Board observes that in the amended Bill the procedure for reducing rents remains the same as in the old bill in so far as it directs that the Special Officer should take up each village in an estate and consider the rates of rent in that village with reference to the rates of assessment in the nearest ryotwari village.

The Board notes that the expression "principal village" has been introduced in section 2(2) of the amended bill merely for the sake of convenience of reference to the idea of "each village" in an estate mentioned in subsequent parts of the sub-section, and that it is not the intention to select typical villages in any portion of the tract for the purpose of comparison between each village of the zamindari area and the adjacent ryotwari village. The expression "typical" villages cannot be satisfactorily defined and it may be stated straightaway that even if such a method (namely, to select "typical villages") were suggested, it would be difficult to work it out in practice.

The Board would invite attention to paragraph 3(c) of B.P. Mis.628 Strictly Confidential. No.E-5 dated 3rd June 1947 and also to the remarks contained in paragraph 2 of B.P.Mis.1404, dated 10th October 1947 on sub clauses 2 and 3 of the orignal Bill in regard to the most practicable method of dealing with the way of working out interim rents would be to compare the average rents in the whole of an estate, with the average ryotwari assessment in the neighbouring area, and to work out the fractions by which the rents should be reduced in respect of the different classes of land, viz. dry, wet and garden. These fractions would then be applied to each holding and the rent due on the holding for each class of land would be reduced by the same fraction. This method would give reasonably satisfactory results and has, more over the very great merit of enabling the work of reducing rents to be completed in minimum time with minimum staff.

According to clause 2(2) of the amended Bill, however, the Special Officer would be bound by law to consider the case of each village in an estate separately. The Board submits that this will not be practicable if the work is to be completed within the time contemplated. In the opinion of the Special Officer (Mr. S.K. Chettur I.C.S.) the work may take 6 to 8 years if the case of each village in every estate is to be considered separately. Some other cogent reasons why the simpler procedure suggested in paragraph 3(c) of B.P. Mis.628, Strictly Confidential No.E-5 dated/3-6-1947 should be adopted in preference to that embodied in the Bill are set out below:-

to spend unnecessary time and energy in fixing interim rents, and the quickest and the easiest method that can be devised ought to be adopted.

(a) Interim rents will in due course be substituted by the assessment determined by the regular ryotwari settlement. Provision

(b) No great advantage will be gained by the method of instituting comparison in respect of <u>each</u> village in an estate with a similar ryotwari village. For instance, the nearest ryotwari village in respect of a village situated in the interior of a zamindari may be too far away. The selection of a ryotwari village for comparison may have to be arbitrary and may not serve the purpose which the Government have in mind.

(c) The interim rents come into, force in all the estates with effect from fasli 1357, i.e. from 1.7.1947. Accordingly, the work all over the Province should be completed within a reasonably short period, say, six months. Considering that there are 10,767 zamin villages and 7,286 whole inam villages, it would be a physical impossibility to complete in a reasonable time the work of fixing of interim rents in all these villages if the Special Officer had to work out average rates for <u>each</u> estate village and compare it with the nearest ryotwari village where similar conditions prevail. The work would perhaps take several years and thus defeat the very object of this Bill.

(d)There is also the question of staff and expenditure. The elaborate procedure required under the Bill would require much more staff and would cost the Government much more than the simple procedure suggested by the Board. As the costofthe special staff has to be borne by the Government and in view of the present poor state of finances of the Province, a procedure which would be several times more costly and which would also have no particular advantage has to be given up in preference to a procedure which is less costly and more suitable, from every other point of view.

In the circumstances, the Board would reiterate the views expressed in its two Proceedings mentioned above and strongly urge that the procedure outlined in paragraph 3(3) of B.P.Mis.628, strictly Confidential, No.E-5 dated/3.6.47 should be followed. <u>Each estate</u> and not <u>each village in an estate</u> should accordingl be recognised as the statutory entity for comparison of rents and forworking out the fraction by which rent should be reduced.

If, for any reason the Government are unable to accept the above view, the Board would suggest that the Special Officer migh instead of working out average for the estate as a whole, work out separate averages for portions of an estate. An estate may be split up into homogeneous portions for this purpose. Splittir need not be resorted to as a matter of course in every estate. Where it is obvious that one portion of an estate differs in material respects from another portion of the estate, power may be reserved for the Board to direct the Special Officer to work out averages for different portions. This reserve power need be brought into use only when circumstances justify it and when it is clear that an estate can be split up into portions on definite principles and without too much trouble.

As the Bill empowers the Special Officer to recommend only reduction of rents and not enhancement in any case, the splitting of estates into blocks cannot result in any hardship to the ryots but will only be beneficial to them.

seems to be inappropriate and may be modified.

The Board would also point out that there is no need for Explanation I in view of new clause 3(2). while comparing averages and arriving at a fraction, no question of enhancing or reducing rents on a particular field arises at that stage. It will be sufficient to say, as laid down in clause 3(2), that when the new rate worked out is higher, the old rate will stand.

Explanation II to clause 2.

It appears from the wording of Explanation II that the Specia Officer has no power to commute waram rents into cash rents in any case but that his power is confined only to reducing waram rents by the same proportion by which cash rents are reduced. In the case of lands, where the crop is a food grain such as paddy or millets, there may not be much hardship in adopting the same fraction of reduction but in the case of commercial crops such as tobacco, groundnut, sugarcane, etc. the prices may fluctuate from time to time. The adoption of the same fraction may lead to anamoly in such cases as the actual result from the monetary point of view may work out to be different in the case of different commercial crops. But as there is provision for adjustment of dues after final settlement the anamolies will not result in injustice. Moreover the provisions of the Estates Land Act relating to commutation will continue to be in force till the abolition of Zamindaris, and it is always open to the ryots to take advantage of those provisions if they stand to gain by immediate commutation.

The Board, therefore, considers that the provision may be left alone.

Sub clause (4) to clause 3.

According to the sub-clause, a statutory and mandatory duty devolves upon Government after the introduction of interim rents to collect rents in all estates even though those estates might not have been taken over by the Government under the Zamindari abolition Bill. The Board submits that this is a responsibility which the Government is not in a position to undertake all at once. Firstly, if the Government have to collect the rent on behalf of the Zamindar, they must be sure that his accounts are correct. When coercive processes are taken ~~his accounts are correct. When~~ by revenue Officers on the strength of the demand statement received from the proprietor the ryots may question the amount shown as due, pleading that they have paid the whole or part of the amount. Entire reliance cannot be placed on the proprietor's accounts in such cases. There is every danger of Government becoming an instrument of oppression and vexation in undertaking the recovery of rent on behalf of proprietors unless they also take charge of the accounts and issue receipts for payments, etc., in which case the whole procedure would become akin to ryotwari administration.

it needs the amendment that only in cases where a zamindar applies, XX and the Government are satisfied with the state of the accounts etc. that Government will undertake the responsibility of collecting rents as an arrear of land revenue. Again the liability of the zamindar to pay peshcush will remain until the estate has been taken over by the Government in pursuance of the zamindari Abolition Act. When that is so, it stands to reason that out of the rents collected by the Government, the peshcush due to Government XXX should first be appropriated by the Government and the balance (if any) only should be made over to the Zamindar. It would be anamalous if the Government were under a statutory liability to pay the collections to the zamindar, and then have to take separate proceedings for realising peshcush and other Government dues. Sub clause (4) to clause 3 requires suitable amendment accordingly;

Clause 4 of the Bill.

The Board would reiterate its remarks on clause 5 of the old Bill which corresponds to the present clause and submit that the reduction of rent prior to taking over of the zamindaries on payment of compensation therefor, would amount to expropriation and must be compensated by a reduction of peshcush.

Clause 5 of the Bill.

The expression "net income" occurring in this clause has not been defined. It presumably means the actual collections minus the quit rent and other Government or public dues. The cost of collection will presumably the same even after the reduction of the rents and so need not be allowed for in calculating the "net" income. Under sub clause 2 of this clause thenet income and the average net income are to be determined by such authority and in such manner as maXy be laid down in rules made by the Provincial Government. It is presumed that the intention XX is to define and prescribe the mode of determining "net income" in the rules proposed.

Clause 6 of the Bill. The Board would reiterate its view that the proposed adjustment of the difference between the interim rents and the final rent fixed after ryotwari settlement is unnecessary. It would involve a collossal amount of work by way of working out for each holding, for each year of the interim period, details such as the interim XXXX rent, the final rent, the amount paid, the balance, etc. etc. Changes in ownership in the intervening period will also have to be taken into account. Petty amounts may be found to be due to innumerable ryots. Many practical difficulties are likely to arise in effecting the adjustments. The proposal for adjustment of the rents paid in the interim period may, therefore, be given up.

Clause 7 of the Bill. The Board considers that the provision in this clause denying the benefit of the reduction of rents under the Bill to the ryots and lessees of whole inam villages (which became estates after 1936) belonging to religious, charitable or educational institutions, constitutes an unfair discrimination against these ryots and lessees. The Board is, therefore, opposed to the principXle underlying this clause. The effett of the Amendment Act of 1936 is only artificial so far as the main problem of reducing high rents is concerned and no distinction need be drawn between pre-1938 and post-1936 estates. The Government should themselves bear the extra burden involved in re-imbursing these institutions for their loss XXX as contemplated in clause 5(1) of the Bill, instead of seeking by a questionable proccdure to fasten it at least partially on the ryots and lessees of post-1936 estates.

(True Copy)

(Sd.)
JOINT SECRETARY.

PROCEEDINGS OF THE SELECT COMMITTEE ON THE MADRAS ESTATES LAND (REDUCTION OF RENT) BILL, 1947 (L.A. BILL No. 24 OF 1947).

(As approved by the Chairman.)

The Select Committee met in the Council Chamber, Fort St. George, at 4 p.m. on Wednesday, the 5th November 1947. The following members were present :—

1 The Hon. Sri KALA VENKATA RAO (*Chairman*).
2 Sri K. BHASHYAM.
3 Sri N. S. VARADACHARI.
4 Sri B. VENKATANARAYANA REDDI.
5 Sri PYNDAH VENKATANARAYANA.
6 Sri ALLURI SATYANARAYANA RAJU.
7 Sri R. V. SWAMINATHAN.
8 Sri C. K. GOVINDAN NAIR.
9 Sri A. VAIDYANATHA AYYAR.
10 Sri R. SUBBA AYYAR.
11 Kumararaja Sir MUTHIAH CHETTIYAR.
12 THE RAJA OF VENKATAGIRI.
13 MAHBOOB ALI BAIG SAHIB Bahadur.
14 M. A. MUHAMMAD IBRAHIM SAHIB Bahadur.

The Secretary to Government, Revenue Department, and the Secretary, Madras Legislature, were also present.

At the outset, Sri A. Vaidyanatha Ayyar moved that the Select Committee be adjourned and meet some time in December next. In support of this motion, he pointed out the need for uniformity of legislation in all provinces and for ascertainment beforehand of the financial implications and the resulting concrete benefits to the ryot from the adoption of the legislative proposals.

After a long discussion in which many members took part, the motion was lost by a majority.

The Committee adjourned to meet again at 1 p.m. on Thursday the 6th November 1947, in the Chamber of the Hon. the Minister for Land Revenue.

Thursday, the 6th November 1947.

The Select Committee met in the Chamber of the Hon. the Minister for Land Revenue, Fort St. George, at 1 p.m. on Thursday, the 6th November 1947. The following members were present :—

1 The Hon. Sri KALA VENKATA RAO (*Chairman*).
2 Sri K. BHASHYAM.
3 Sri N. S. VARADACHARI.
4 Sri B. VENKATANARAYANA REDDI.
5 Sri PYNDAH VENKATANARAYANA.

6 Sri ALLURI SATYANARAYANA RAJU.
7 Sri R. V. SWAMINATHAN.
8 Sri P. S. KUMARASWAMI RAJA.
9 Sri C. K. GOVINDAN NAIR.
10 Sri A. VAIDYANATHA AYYAR.
11 Kumararaja Sir MUTHIAH CHETTIYAR.
12 THE RAJA OF VENKATAGIRI.
13 MAHBOOB ALI BAIG SAHIB Bahadur.
14 Sri R. SUBBA AYYAR.
15 M. A. MUHAMMAD IBRAHIM SAHIB Bahadur.

The Secretary to Government, Revenue Department, the Joint Secretary to Government, Legal Department, and the Secretary, Madras Legislature, were also present.

Copies of a note prepared by the Revenue Department clarifying certain points raised by Sri N. S. Varadachari, the previous day, were supplied to the members of the Select Committee.

Sri B. Nageswara Sastri, Secretary, The Madras Provincial Inamdars' Association, and Sri R. Srinivasa Ayyar, vakil, Pattukkottai, representing the Inamdars of the Tamil districts in particular, were examined by the Select Committee.

The Committee adjourned to meet again at 1 p.m. on Friday, the 7th November 1947, in the Chamber of the Hon. the Minister for Land Revenue.

Friday, the 7th November 1947.

The Select Committee re-assembled in the Chamber of the Hon. the Minister for Land Revenue, Fort St. George, at 1 p.m. on Friday, the 7th November 1947. The following members were present :—

1 The Hon. Sri KALA VENKATA RAO (*Chairman*).
2 Sri K. BHASHYAM.
3 Sri N. S. VARADACHARI.
4 Sri B. VENKATANARAYANA REDDI.
5 Sri PYNDAH VENKATANARAYANA.
6 Sri ALLURI SATYANARAYANA RAJU.
7 Sri R. V. SWAMINATHAN.
8 Sri P. S. KUMARASWAMI RAJA.
9 Sri C. K. GOVINDAN NAIR.
10 Sri A. VAIDYANATHA AYYAR.
11 Kumararaja Sir MUTHIAH CHETTIYAR.
12 THE RAJA OF VENKATAGIRI.
13 MAHBOOB ALI BAIG SAHIB Bahadur.
14 Sri R. SUBBA AYYAR.
15 M. A. MUHAMMAD IBRAHIM SAHIB Bahadur.

The Secretary, Madras Legislature, and the Secretary to Government, Revenue Department, were also present.

There was a general discussion on the provisions of the Bill, in which Sri A. Vaidyanatha Ayyar, Sri K. Bhashyam and Mr. Mahboob Ali Baig took part.

The Committee adjourned to meet again at 2 p.m. on the following day.

Saturday, the 8th November 1947.

The Select Committee re-assembled in the Chamber of the Hon. the Minister for Land Revenue, Fort St. George, at 2 p.m. on Saturday, the 8th November 1947. The following members were present :—

1 The Hon. Sri KALA VENKATA RAO (*Chairman*).
2 Sri N. S. VARADACHARI.
3 Sri B. VENKATANARAYANA REDDI.
4 Sri PYNDAH VENKATANARAYANA.
5 Sri ALLURI SATYANARAYANA RAJU.
6 Sri R. V. SWAMINATHAN.
7 Sri P. S. KUMARASWAMI RAJA.
8 Sri A. VAIDYANATHA AYYAR.
9 Sri R. SUBBA AYYAR.
10 Kumararaja Sir M. A. MUTHIAH CHETTIYAR.
11 THE RAJA OF VENKATAGIRI.

The Secretary, Madras Legislature, and the Secretary to Government, Revenue Department, were also present.

General discussion on the provisions of the Bill was resumed. The following members spoke :—

1 THE RAJAH OF VENKATAGIRI.
2 Sri N. S. VARADACHARI.
3 Kumararaja Sir M. A. MUTHIAH CHETTIYAR.
4 Sri B. VENKATANARAYANA REDDI.
5 Sri R. V. SWAMINATHAN.
6 Sri ALLURI SATYANARAYANA RAJU.

The Select Committee adjourned to meet again on Wednesday, the 26th November 1947, at 4 p.m., in the Chamber of the Hon. the Minister for Land Revenue.

Wednesday, the 26th November 1947.

The Select Committee re-assembled in the Chamber of the Hon. the Minister for Land Revenue, Fort St. George, at 4 p.m. on Wednesday, the 26th November 1947. The following members were present :—

1 The Hon. Sri KALA VENKATA RAO (*Chairman*).
2 Sri K. BHASHYAM.
3 Sri N. S. VARADACHARI.
4 Sri B. VENKATANARAYANA REDDI.
5 Sri PYNDAH VENKATANARAYANA.
6 Sri ALLURI SATYANARAYANA RAJU.

7 Sri R. V. SWAMINATHAN.
8 Sri P. S. KUMARASWAMI RAJA.
9 Sri C. K. GOVINDAN NAIR.
10 Sri A. VAIDYANATHA AYYAR.
11 Kumararaja Sir M. A. MUTHIAH CHETTIYAR.
12 THE RAJA OF VENKATAGIRI.
13 MAHBOOB ALI BAIG SAHIB Bahadur.
14 Sri R. SUBBA AYYAR.

The Secretary to the Madras Legislative Assembly and the Secretary to Government, Revenue Department, were also present.

The Chairman acquainted the Select Committee with the views of the Government regarding matters previously raised, such as percentage reduction, exclusion of Inams, religious and charitable Inams and term lessees.

The Chairman was requested to bring forward suitable amendments to the Bill for consideration by the Select Committee.

Sri Prasada Rao, Andhra Provincial Ryots Association, Bezwada, was heard by the Select Committee.

The Select Committee adjourned to meet again at 5 p.m. on Friday, the 28th November 1947.

Friday, the 28th November 1947.

The Select Committee resumed its sittings in the Chamber of the Hon. the Minister for Land Revenue, Fort St. George, at 5 p.m. on Friday, the 28th November 1947. The following members were present :—

1 The Hon. Sri KALA VENKATA RAO (*Chairman*).
2 Sri K. BHASHYAM.
3 Sri N. S. VARADACHARI.
4 Sri B. VENKATANARAYANA REDDI.
5 Sri PYNDAH VENKATANARAYANA.
6 Sri ALLURI SATYANARAYANA RAJU.
7 Sri R. V. SWAMINATHAN.
8 Sri P. S. KUMARASWAMI RAJA.
9 Sri C. K. GOVINDAN NAIR.
10 Sri A. VAIDYANATHA AYYAR.
11 Sri R. SUBBA AYYAR.
12 Kumararaja Sir M. A. MUTHIAH CHETTIYAR.
13 THE RAJA OF VENKATAGIRI.
14 MAHBOOB ALI BAIG SAHIB Bahadur.

The Secretary to the Madras Legislative Assembly, the Secretary to Government, Revenue Department, and the Joint Secretary to Government, Legal Department, were also present.

The Committee took up the consideration of the Bill, clause by clause.

Clause 1.

Sri A. Vaidyanatha Ayyar moved the following amendment :—

(1) " In clause 1 (2) after the words ' section 3, clause (2)', the words ' sub-clauses (*a*) to (*c*) and (*e*)' shall be inserted."

The amendment was put to vote and declared lost by a majority.

Sri A. Vaidyanatha Ayyar moved the following amendment :—

(2) " In clause 1 (2) after the words ' section 3, clause (2) ', the words ' sub-clauses (*a*) to (*c*) and (*e*) ' shall be inserted ; and the following shall be added at the end :—

" and also to villages of which the land revenue alone has been granted in an inam to a person not owning the kudiwaram thereof provided the grant has been made, confirmed or recognised by the British Government."

The amendment was put to vote and declared lost, the Chairman exercising his casting vote against the amendment.

Sri A. Vaidyanatha Ayyar moved the following amendment :—

(3) " After clause 1 (2) the following proviso shall be added :—

' Provided that nothing in this Act shall apply to inams granted for religious or charitable purposes or services.' "

The amendment was put to vote and carried by a majority, the Chairman dissenting.

Honourable Minister for Land Revenue pointed out that in accordance with the decision of the Government, an amendment negativing the above decision would have to be introduced at the report stage. If the Select Committee, however, were prepared to reconsider their decision and vote down Mr. Vaidyanatha Ayyar's amendment, the Government would introduce an amendment making it obligatory on the Government to make good in the case of religious and charitable inams, the difference between their present incomes and the reduced incomes as contemplated in this Bill, in full by way of annual grants. He also assured the Select Committee that a similar provision would be made in the Zamindari Abolition Bill.

Sri K. Bhashyam thereupon moved for the reconsideration of the previous decision. The motion was carried by a majority.

Sri K. Bhashyam moved that the earlier decision be rescinded. The motion was carried by a majority. He moved that clause 5 be taken into consideration. The motion was carried.

The Hon. Sri Kala Venkata Rao moved that the following be inserted in the Bill in its appropriate place :—

" (1) Where, by reason of the foregoing provisions, the net income derived by any religious or charitable institution in the fasli year 1357 or in any subsequent fasli year from any estate belonging to it becomes less than the average net income derived

by the institution from such estate during the five fasli years preceding the fasli year 1357, the Provincial Government shall make good the loss sustained by the institution by paying to it at the end of the fasli year in question the amount of the difference between the net income derived by the institution in such fasli year and the average net income aforesaid.

(2) The average net income aforesaid and the net income derived in each of the fasli years beginning with 1357 shall, for the purposes of sub-section (1), be determined by such authority and in such manner as may be laid down in rules made by the Provincial Government under this Act."

Sri Pyndah Venkatanarayana moved that the following proviso be inserted at the end of the above amendment :—

" Provided that the Government after conducting enquiries from time to time comes to the conclusion that it is essential to pay such amount of loss or so much of the amount as the Government think fit, to fulfil and carry on the purpose of the Trust and also that the particular institution has been serving the public or a community in a useful and beneficial manner."

The amendment was ruled out of order.

The amendment of the Hon. Mr. Kala Venkata Rao was carried.

The Committee adjourned to meet again at 5-15 p.m. on Saturday, the 29th November 1947.

Saturday, the 29th November 1947.

The Select Committee resumed its sittings in the Chamber of the Hon. the Minister for Land Revenue, Fort St. George, at 5-15 p.m. on Saturday, the 29th November 1947. The following members were present :—

1 The Hon. Sri KALA VENKATA RAO, (*Chairman.*)
2 Sri K. BHASHYAM.
3 Sri N. S. VARADACHARI.
4 Sri B. VENKATANARAYANA REDDI.
5 Sri PYNDAH VENKATANARAYANA.
6 Sri ALLURI SATYANARAYANA RAJU.
7 Sri R. V. SWAMINATHAN.
8 Sri P. S. KUMARASWAMI RAJA.
9 Sri C. K. GOVINDAN NAIR.
10 Sri A. VAIDYANATHA AYYAR.
11 Sri R. SUBBA AYYAR.
12 THE RAJA OF VENKATAGIRI.
13 MAHBOOB ALI BAIG SAHIB Bahadur.

The Secretary to the Madras Legislative Assembly, the Secretary to Government, Revenue Department, and the Joint Secretary to Government, Legal Department, were also present.

Sri A. Vaidyanatha Ayyar moved that—

" Nothing in this Act shall be applicable to the estate or share of the estate of a landholder which does not exceed 15 acres of wet or garden or 20 acres of dry lands."

The amendment was lost by a majority.

Sri R. V. Swaminathan moved that the following shall be added ot sub-clause (2) of clause 1, namely :—

" and inam lands of all kinds except such as were granted for services of a public nature and that is also to the extent of not more that 5 acres of wet land and 10 acres of dry lands."

The amendment was ruled out of order.

Clauses 2 *and* 3.

The Hon. Sri Kala Venkata Rao moved that for clauses 2 and 3 of the Bill, the following shall be substituted :—

" 2. (1) The Provincial Government may aoppint a Special Officer for any estate or estates, for the purpose of determining fair and equitable rates of rent for the ryoti lands in such estate or estates :

Provided that the Special Officer shall have power only to reduce and not to enhance the rents payable for such lands.

(2) The Special Officer shall first determine in respect of each village in an estate—

(*a*) the average rate of rent per acre prevailing at the commencement of this Act, for each class of ryoti land in the village, such as wet, dry and garden ; and

(*b*) the average rate of assessment per acre prevailing at such commencement in respect of each of the said classes of land in the nearest ryotwari area in which conditions are generally similar to those obtaining in the village.

(3) The Special Officer shall then compare the average rates of rent as determined under clause (*a*) of sub-section (2) with the average rates of assessment as determined under clause (*b*) of that sub-section, and, after making due allowance for any difference in the conditions prevailing in the two cases, decide the proportions, if any, in which the rates of rent payable for each class of ryoti land in the village shall be reduced.

(4) The rent shall be reduced in the proportion decided on under sub-section (3) in the following case also, namely, where the rent is paid in kind or on the estimated value of a portion of the crop or at rates varying with the crop, whether in cash or in kind, or partly in one of these ways and partly in another, or partly in one or more of these ways and partly in cash."

Sri A. Vaidyanatha Ayyar moved that the proviso to the proposed section 2 (1) should be omitted.

The amendment was put and declared lost, the Chairman exercising his casting vote against the amendment.

Sri A. Vaidyanatha Ayyar moved that the following should be added at the end of clause (4) of the proposed section 2 above :—

" Provided that in case of estates falling under section 3 (2) (*d*) of the Madras Estates Land Act the fair and equitable rent shall be deemed to be the rent lawfully payable by a ryot or tenant on 1st November 1933."

The amendment was lost by a majority.

Sri A. Vaidyanatha Ayyar moved that the following shall be added at the end of clause (4) of the proposed section 2 above :—

" Provided that in the cases of estates falling under section 3 (2) (*d*) of the Madras Estates Land Act the reduction of the rent in respect of any land or classes of land shall not exceed 25 per cent of the rent now previling heretofore."

The amendment was put and declared lost, the Chairman exercising his casting vote against the amendment.

The amendment of the Hon. Sri Kala Venkata Rao was carried, the Government being authorized to make any verbal changes necessary.

Clause 4.

Sri K. Bhashyam moved that the following shall be inserted after clause 4 (2) :—

" The Special Officer shall, before submitting his report, give notice of his recommendations to the landholders and ryots affected by his decision, by publication in the village chavadi or any other prominent place, giving the purport of his decision or by means of tom-tom or in any other manner which he thinks proper, calling for objections in writing from the landholders and ryots, within a date to be prescribed by him. The Special Officer shall consider such objections and make his final report to the Board."

The amendment was not pressed in view of the assurance given that the Government would provide for publication in the rules to be made under the Act.

The Hon. Sri Kala Venkata Rao moved that clause 4 shall be renumbered as clause 3 and that for sub-clause (1) the following shall be substituted :—

" 3. (1) After completing his work in any estate, the Special Officer shall submit a report to the Provincial Government, through the Board of Revenue, specifying the proportions in which the rents

for each class of ryoti land in each village in the estate shall be reduced :

Provided that, with the approval of the Board of Revenue, reports may be submitted under this sub-section separately, in respect of portions of an estate."

The amendment was carried.

Sri A. Vaidyanatha Ayyar moved that the following may be added at a suitable place in the Bill :—

" Notwithstanding anything contained in any other law for the time being in force, where a landholder has leased to any person after the 1st November 1933 any lands in an inam village which was not an estate before the commencement of the Madras Estates Land (Third Amendment) Act, 1936, but became an estate by virtue of that Act, the lessee shall not be entitled to the benefit of any reduction of rent under this Act."

The amendment was lost.

The Chairman stated that the benefit would be restricted to religious and charitable endowments only and that a suitable amendment would be drafted by the Legal Department. The Proposal was accepted.

Sri A. Vaidyanatha Ayyar moved that in the original clause 4 (3) for the words " fasli year 1357 ", the words " fasli year following the year in which the order is made " should be substituted.

The amendment was lost by a majority.

The Committee adjourned to meet again at 5-15 p.m. on Monday, the 1st December 1947.

Monday, the 1st December 1947.

The Select Committee resumed its sittings in the Chamber of the Hon. the Minister for Land Revenue, Fort St. George, at 5-15 p.m. on Monday, the 1st December 1947. The following members were present :—

1 The Hon. Sri KALA VENKATA RAO (*Chairman*).
2 Sri B. VENKATANARAYANA REDDI.
3 Sri PYNDAH VENKATANARAYANA.
4 Sri ALLURI SATYANARAYANA RAJU.
5 Sri R. V. SWAMINATHAN.
6 Sri P. S. KUMARASWAMI RAJA.
7 Sri C. K. GOVINDAN NAYAR.
8 Sri A. VAIDYANATHA AYYAR.
9 Sri R. SUBBA AYYAR.
10 THE RAJAH OF VENKATAGIRI.
11 MAHBOOB ALI BAIG SAHIB Bahadur.

The Secretary to the Madras Legislative Assembly, the Secretary to Government, Revenue Department and the Joint Secretary to Government, Legal Department, were also present.

Clause 6.

The Hon. Sri Kala Venkata Rao moved that the existing clause 6 be amended as under :—

"No order made under section 3, sub-section (2), and no determination of net income or average net income made under section 5, sub-section (2), shall be liable to be questioned in any Court of Law."

Sri A. Vaidyanatha Ayyar moved that clause 6 be omitted The amendment was lost by a majority.

The amendment of the Hon. Sri Kala Venkata Rao was accepted.

Clause 7.

Sri A. Vaidyanatha Ayyar moved that—

"In the existing clause 7 (1), for the figures '1357' the words 'following the fasli year in which the ryotwari settlement is made' should be substituted."

The amendment was not pressed.

Sri A. Vaidyanatha Ayyar's amendment to insert the following as a new clause after existing clause 7, was ruled out in view of the decision to retain clause 6 :—

"(1) Every order passed under section 4, sub-section (2), shall be communicated with the reasons therefor to every landholder or ryot affected by the said order. An appeal will lie to the District Court by any person aggrieved by any such order within thirty days of the service of the copy of the order. For the purpose of appeal, all the records necessary therefor shall be submitted to the District Court and the latter shall have the right of calling for any further record or information and if necessary, of taking any evidence.

(2) Any such order shall be deemed to be a decree within the meaning of section 2 (2) of the Civil Procedure Code."

Sri A. Vaidyanatha Ayyar moved that the following be inserted as a new sub-section in the appropriate place :—

"The rent from fasli 1357 in the estates governed by this Act shall be recovered from the ryots by the Government as arrears of revenue and shall, on recovery, less the expenses of collection be paid to the landholders."

The principle of the amendment was accepted and the Legal Department was asked to have section 4 re-drafted; and the amendment was not pressed.

Sri Vaidyanatha Ayyar moved that in sub-clause (3) proposed by Government to clause 7 after the words 'sub-section (2)' and before 'shall' the words 'and the rents so settled under sub-section (1)' be inserted.

The Chairman said that it would be taken into consideration in re-drafting the Bill and the amendment was not pressed.

Sri A. Vaidyanatha Ayyar moved that the following shall be inserted as a separate section after section 7 :—

" No ryot shall be entitled to the benefit of the reduction under section 4 unless within three months within the coming into force of this Act, the ryot pays into the treasury the amount of arrears due up to the fasli in which the order under section 4 comes into force."

It was agreed to take it into consideration in re-drafting the Bill. The amendment was not pressed.

Clause 5.

The Hon. Sri Kala Venkata Rao moved that clause 5 may be re-numbered as clause 4 and the clause may be amended as under :—

" Where an order is published under section 3, sub-section (2), in respect of any estate, a ryot shall not be bound to pay rent for any ryoti land in that estate at a rate exceeding that fixed in that order, notwithstanding anything contained in the Madras Estates Land Act, 1908."

The amendment was accepted.

The new clauses drafted by the Legal Department with reference to the decision on the previous day to restrict the benefit of the reduction of rent under the Act to religious and charitable endowments only was then considered.

The question whether it should be restricted to religious, educational and charitable institutions only or extended to all endowments was discussed and the proposal to extend it to all endowments was negatived the Chairman exercising his casting vote against the amendment.

The Committee decided that the whole Bill should be re-drafted with reference to the decisions arrived at till then for final consideration.

The Committee then adjourned to meet again at 4 p.m. on Tuesday, the 2nd December 1947.

Tuesday, the 2nd December 1947.

The Select Committee resumed its sittings in the Chamber of the Hon. the Minister for Land Revenue, Fort St. George, at 6 p.m. on Tuesday, the 2nd December 1947. The following members were present :—

1 The Hon. Sri KALA VENKATA RAO (*Chairman*).
2 Sri B. VENKATANARAYANA REDDI.
3 Sri PYNDAH VENKATANARAYANA.
4 Sri ALLURI SATYANARAYANA RAJU.

5 Sri R. V. SWAMINATHAN.
6 Sri P. S. KUMARASWAMI RAJA.
7 Sri C. K. GOVINDAN NAYAR.
8 Sri A. VAIDYANATHA AYYAR.
9 Sri R. SUBBA AYYAR.
10 MAHBOOB ALI BAIG SAHIB Bahadur.
11 M. A. MUHAMMAD IBRAHIM SAHIB Bahadur.

The Secretary to the Madras Legislative Assembly, the Secretary to Government, Revenue Department, and the Joint Secretary to Government, Legal Department, were also present.

The Committee considered the Bill, as re-drafted.

Sri A. Vaidyanatha Ayyar observed that clause 3 (4), as re-drafted, required modification. It was finally decided by a majority to retain the sub-clause, as re-drafted. It was also agreed that the alternative clause 3 (4) proposed might be omitted.

The Hon. Sri Kala Venkata Rao moved that paragraphs 1, 2 and 4 of the Preamble, and the words " pending the implementation of the policy aforesaid," occurring in paragraph 5 of the Preamble should be omitted.

The amendment was carried.

The Bill, as re-drafted and as amended above, was passed.

The Chairman was authorized to sign the report and also to make any verbal changes that might be necessary in the Bill, as approved.

The Select Committee decided that the Bill should be republished.

The Chairman thanked the members of the Select Committee for their hearty co-operation and invaluable assistance.

The Committee dispersed.

FORT ST. GEORGE,
3rd *December* 1947.

D. K. V. RAGHAVA VARMA,
Secretary.

Note: The report of the Select Committee was published in the Fort St George Gazette Part IV-A Extraordinary of Thursday December 4, 1947

dated/23.12.53.

GOVERNMENT OF MADRAS.
Abstract.

Agency--Madras Estates Land (Reduction of Rent) Act, 1947--Applied.

Public (POLITICAL-B) DEPARTMENT.

G.O.Ms.No.139 dated/21st January 1948.
Read the following.

ORDER:

The following notification will be published in the Fort St. George Gazette:-

NOTIFICATION.

In exercise of the powers conferred by section 92(1) of the Government of India Act, 1935 His Excellency the Governor of Madras hereby directs that the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947), shall apply to the partically excluded areas in the Province of Madras, other than the Nugur taluk in the East Godavari Agency and the areas specified in the schedule to the Madras Partially Excluded Areas (Estates and Repealing) Regulation, 1943 (Madras Regulation No.1 of 1943.)

(By Order of His Excellency the Governor)

K. Ramunni Menon
CHIEF SECRETARY TO GOVERNMENT.

To

The Superintendent, Government Press for publication of the notification.
The Agents to Government, East Godavari, Vizagapatam and West Godavari.
The Board of Revenue.
The Honourable the Chief Justice.
The Revenue Department.
The Legal Department.
The Private Secretary to His Excellency the Governor of Madras.

/True Copy/

Forwarded/By Order/

[Sd.]
SUPERINTENDENT.

REVENUE DEPARTMENT.

GOVERNMENT OF MADRAS
Abstract.

Acts--The Madras Estates Land (Reduction of Rent) Act, 1947--Publication ordered as Madras Act XXX of 1947.

LEGAL DEPARTMENT

G.O.MS.NO.3 — 7th July 1948.
Read the following.

ORDER:

The Madras Estates Land (Reduction of Rent) Act,1947, will be published in an extradinary issue of the Fort St. George Gazette in English and in the Tamil and Telugu languages as Madras Act XXX of 1947.

(By Order of His Excellencythe Governor)

P.V. Balakrishna Iyer,
SECRETARY TO GOVERNMENT.

To the Superintendent, Government Press.
To the Senior Translator to Government.
To the Education and Public Health Department.
To the Revenue Department.
To the Secretary, Madras Legislature.
To the Private Secretary to His Excellency the Governor.

APPENDIX.

The following Act of the Madras Legislature received the assent of His Excellency the Governor on the 6th January 1948 and is hereby published for general information:-

ACT NO. XXX OF 1947.

An Act to provide for the reduction of rents payable by ryots in estates governed by the Madras Estates Land Act, 1908, approximately to the level of the assessments levied on lands in ryotwari areas in the neighbourhood.

WHEREAS the rents now payable by ryots in estates governed by the Madras Estates Land Act, 1908, are in many cases substantially higher than the assessments levied on lands in ryotwari areas in the neighbourhood;

It is hereby enacted as follows:-

1. (1) This Act may be called the Madras Estates Land (Reduction of Rent) Act, 1947. Short title and application.
(2) It applies to all estates as defined in section 3, clause (2), of the Madras Estates Land Act,1908.

2. (1) The Provincial Government may appoint a Special Officer for any estate or estates, for the purpose of recommending fair and equitable rates of rent for the ryoti lands in such estate or estates. Appointment of Special Officer to recommend rates of rent in estates.
(2) The Special Officer shall first determine in respect of each village (hereinafter in this section referred to as "principal village") in an estate--

(a).....

(a) the average rate of cash rent per acre prevailing at the commencement of this Act, for each class of ryoti land in the principal village, such as wet, dry and garden:

Provided that where no cash rents are prevalent in the principal village in respect of any class of land, the Special Officer shall determine the average rate of cash rent per acre prevailing at such commencement for such class of land in the nearest village in the estate in which cash rents are prevalent for such class of land and in which conditions are generally similar to those obtaining in the principal village, or where there is no such village in the estate, in the nearest village in the nearest estate in respect of which village both the requirements specified above are satisfied.

(b) the average rate of assessment per acre prevailing at such commencement in respect of each of the said classes of land in the nearest ryotwari area in which conidtions are generally similar to those obtaining in the principal village.

(3) The Special Officer shall then compare the average rates of cash rent as determined under clause (a) of subsection (2) with the average rates of assessment as determined under clause (b) of that sub-section, and after making due allowance for any difference in the conditions prevailing in the two cases, and also, in cases falling under the proviso to clause (a) of sub-section (2), for any difference in the conditions prevailing in the village referred to in that proviso and in the principal village, determine (i) the extent, if any, to which the rates of rent payable for each class of ryoti land in the principal village should, in his opinion, be reduced, and (ii) the rates of rent payable for each such calss of land after such reduction.

Explanation I.- The Special Officer shall have power only to determine that the rents payable for any class of ryot land in the principal village shall be reduced; and he shall have no power to determine that such rents shall be enhanced.

Explanation II.- The extent of reduction, if any, determined by the Special Officer under this sub-section shall also apply where rent in the principal village is paid in kind or on the estimated value of a portion of the crop or at rates varying with the crop, whether in cash or in kind, or partly in one of these ways and partly in another, or partly in one or more of these ways and partly in cash. In every such case the Special Officer shall also determine the rent payable, whether in kind or in cash or partly in kind and partly in cash as the case may be.

(4) Where the conditions in a group of two or more villages in an estate are generally similar, the Special Officer may perform the functions under sub-sections (2) and (3) in respect of such group of villages as a whole, instead of separately in respect of each village in the group.

Pro- 3. (1) After completing his work in any estate, the Special Officer shall submit his recommendations to the Provincial Government, through the Board of Revenue, specifying (i) the extent, if any, to which the rents for each class of ryoti land in each village or group of villages in the estate, should in his opinion, be reduced; and (ii) the rate of rent payable for each such class after such reduction:

Revenue, recommendations may be made under this subsection separately, in respect of portions of an estate.

(2) After considering the recommendations of the Special Officer and the remarks of the Board of Revenue thereon, the Provincial Glvernment shall, by order published in the Fort st. George Gazette, fix the rates of rent payable in respect of each class of ryoti land in each village in the estate:

Provided that where the rate of rent so fixed in respect of ryoti land of any class exceeds the rate of rent payable in respect thereof at the commencement of this Act, only the latter rate of rent shall be payable in respect of such land.

(3) An order under sub-section (2) shall take effect from the commencement of the fasli year 1357.

(4) After such an order has taken effect in respect of any estate or portion of an estate, the rents due in respect of ryoti lands in such estate or portion with effect from the commencement of the fasli year 1357 as well as the rents which have fallen or may fall due in respect of such lands for any fasli subsequent to fasli 1357 until the commencement of the fasli year in which the estate may be finally taken over by the Provincial Government shall be recovered by the Provincial Government as if such rents were arrears of land revenue due to them; and the amount so recovered in respect of each fasli, after deducting in accordance with such rules as may be made by the Provincial Government in that behalf, and also the peshkash, cesses, and other moneys due from the landholder to the Provincial Government and constituting a charge on the estate shall be paid to the landholder.

Provincial Government to make good income lost by religious, educational or charitable institution.

5. (1) Where by reason of the foregoing provisions, the net income derived by any religious, educational or charitable institution from any estate or part of an estate belonging to it in the fasli year 1357 or in any subsequent fasli year until the commencement of the fasli year in which the estate may finally be taken over by the Provincial Government, becomes less than the average net income derived by the institution from such estate or part during the five fasli years preceding the fasli year 1357 or during portion of those fasli years in which the estate or part was in the ownership of the institution, as the case may be, the Provincial Government shall make good the loss sustained by the institution by paying to it at the end of the fasli year in question the amount of the difference between the net income derived by the institution in such fasli year and the average net income aforesaid.

(2) The average net income aforesaid and the net income derived in each of the fasli years beginning with the fasli year 1357 shall, for the purpose of sub-section (1), be determined by such authority and in such manner as may be laid down in rules made by the Provincial Government.

* Lessees of religious, educational or charitable institutions not to have their rents reduced.

6. Notwithstanding anything contained in any other law for the time being in force in any inam village belonging to a religious, educational or charitable institution which was not an estate before the commencement of the Madras Estates Land (Third Amendment) Act, 1936, but became an estate by virtue of that Act, the lessee of any land situated in the estate shall not be entitled to the benefit of any reduction of rent under this Act, if the lease was executed after the 1st November 1933.

Power to make rules

7. The Provincial Government may make rules to carry out the purposes of this Act.

Validity of certain orders and/ proceedings not to be questioned

8. The validity of the following orders and proceedings shal not be liable to be questioned in any Court of Law:-

(i) any order made under section 3, sub-section (2),

(ii) any recovery of rent effected by the Provincial Government under section 3, sub-section (4) or any payment made by them to the landholder under the same sub-section;

(iii) any determination of net income or average net income made under section 5, sub-section (2).

Power to remove difficulties.

9. If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government may, as occassion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

Forwarded to the REVENUE DEPARTMENT

(By Order)

(Sd.)
SUPERINTENDENT.

REVENUE DEPARTMENT.

OFFICE ASSISTANT
MADRAS RECORD OFFICE.

C.No.2234M/47

REVENUE DEPARTMENT

The Madras Estates Land (Reduction of Rent) Bill, 1947--Clauses 3 & 8--Draft rules--Board's proposals--Remarks on Bill.

From the Board of Revenue, Mis.No.1404/47 dated/10.10.47;

To Assistant Secretary.

Please see the Board's resolution in the C.F. In Memo No.772 47-18 dated/17947 the Board was asked.

(1) to offer its remarks on the Madras Estates Land (Reduction of Rent) Bill, 1947;

(2) to submit a draft of the rules to the be made under clauses 3(1) and 8 of the Bill; and

(3) to submit proposals for the appointment of special officers and subordinate staff that may be necessary to give effort to the provisions of the Act.

In para 2 on page 1-3 c.f. the Board of has offered its remarks on the Bill. These remarks are examined in the sectional Notes below. After orders are passed on those notes and in the light of those orders, the draft rules (that set of rules which is decided upon) will be scrutinised and put in the form of a Notification.

2. The proposals in para 4 on page 3 c.f. relating to the special staff in the Districts and in the Boards Office will be examined and submitted for orders later on with reference to any charges which the Bill may undergo in the XXXX select Committee stage.

3. Legal may see before circulation. The remarks of the Board of Revenue have been examined in the Sectional Notes below. The Legal Department may be requested tooffer their remarks thereon and suggest the necessary amendments, before inculation.

2. The draft rules and the proposals of the Board for the appointment of staff will be examined in separate files and put up for orders. (It is unnecessary to postpone the examination of the proposals for staff fill the Select Committee meets and to see that charges it makes in the Bill).

LEGAL DEPARTMENT.

Forthe remarks of this Department, please see the sectional notes below.

REVENUE DEPARTMENT. Legal No. 11119/47-1
21.10.47.

REVENUE DEPARTMENT.

To X Secretary.

Further notes of this Department have been

the sectional notes below. Finance will have perhaps to see after Honourable Minister (L.R.) passes orders on page 2 (a) to 2(b) of the sectional Notes.

Through A.S. II:
to-morrow.

Orders are requested on the sectional Notes below. Finance need not see if proposals (2) and (3) on page 2 (b) of the Sectional Notes are not accepted.

(Sd.

Honourable (Home Minister.

Honourable Minister (L.R.)

To Assistant Secretary.

Honourable Minister (LR) has perused the sectional Notes. The Bill has been passed into law as Act XXX of 1947 and published in the Fort St. George Gazette Extraordinary dated/ 7.1.48. These papers may be recorded.

(Sd.) There is no print in recording these papers above. There are other papers viz. Select Committee's report, Bill is modified by the Select Committee, Bill is passed by the Assembly, Bill is finally passed etc. There is also a Board's reference containing the Board's remarks on the Bill as amended by the Select Committee. All these and the Act is finally passed should all be placed together and the papers recorded.

G.O.Ms.No. dated/

Acts--The Madras Estates Land (Reduction of Rent) Act, 1947 (Act XXX of 1947)--Papers recorded.

To Assistant Secretary.

As ordered by Assistant Secre tary on page 2 ante. all the connected papers have been added and the c.f. rearranged. A copy of the Act as published in the Gazette has also been added to the c.f.

2. The papers containing the Boards remarks and the Special Officers remarks on the Bill as passed by the Assembly are put up in the file relating to the draft rules to be issued under the Act. The papers will be released from that file finally and added to the c.f. in this file.

3. The Board has separately submitted draft rules under the Bill as passed by the Assembly in supersession of the alternative sets of rules on pages 7-10 c.f. The draft rules now submitted by the Board are separately under examination.

Have we not received a copy of G.O.Ms.No.3 Legal dated/7.1.48 refused to on page 35 c.f. and should it not be communicated to the Board of Revenue?

Abstract.

Acts--The Madras Estates Land (Reductionof Rent) Act, 1947 Madras Act XXX of 1947)--] Papers recorded.

To Assistant Secr

A in the margin above. Submitted that it is the original that is put up in the file referred to. The file was taken and shows to Assistant Secretary seperately.

2. A copy of the Legal Department G.O. has not been received. It has been sent by Legal for printing and a copy will be sent to us in the course. The receipt of a copy of the G.O. may be awaited.

(Sd.)

(From the Legal Department, G.O. No.3 Legal dated/7.1.48)

To Assistant Secretary.

A copy of G.O.No.3 Legal dated/7.1.48 has been received. The draft endorsement on page 82 c.f. may be approved. After issue the papers may be

G.O.Ms.No.401 dated/23.2.48.

Recorded.

(Sd.)

OFFICE ASSISTANT
MADRAS RECORD OFFICE.

SECTIONAL NOTES.

A Bill to provide for the reduction of rents in estates governed by the Madras Estates Land Act, 1908, approximately to the level of the assessments levied on lands in ryotwari areas in the neighbourhood.

WHEREAS it is the policy of Government to acquire the interests of landholders in estates now governed by the Madras Estates Land Act, 1908, and to introduce the ryotwari settlement therein;

AND WHEREAS it will take some time fully to give effect to this policy in all the estates in the Province;-

AND WHEREAS the rents now payable by ryots in estates are in many cases substantially higher than the assessments levied on lands in ryotwariareas in the neighbourhood;

AND WHEREAS THERE is a persistent demand for the reduction of such rents;

AND WHEREAS it is expedient, pending the implementation of the policy aforesaid, to provide for the reduction of rents in estates approximately to the level of the ryotwari assessment in the neighbourhood and for the mutual adjustment of rights between the landholders and the ryots concerned after ryotwari assessments have been finally fixed on lands in such estates;

(1) This Act may be called the Madras Estates Land (Reduction of Rent) Act, 1947. — Short title and application.

(2) It applies to all estates as defined in section 3, clause (2), of the Madras Estates Act, 1908.

Remarks of the Board of Revenue

Section 1 of the Bill: The Board observes that the bill applies also to whole inam villages. These are very large in number. The problem of setting rent in Inam villages may raise complicated questioned, if for no other reason at least because most of the inam villages are not surveyed, the inamdars might be many in number for each village and systematic accounts may not be forthcoming to the extent obtaining in Estates. This difficulty cannot perhaps be helped, especially, as it will exist in the case of several Estates also.

REVENUE DEPARTMENT.

To Assistant Secretary :

No remarks are called for on the Board's news above. It has been repeatedly held by the Government...

that inandars are no better than zamindars in the matter of rack-renting etc.,

(Sd.) There is agitation for reduction of rent not only in zamindaris but also in whole inam villages, If the letter are left out, the inam ryots are bound to agitate. Also uniformity is very desirable. The decision that the Bill should apply to all estates formed by the Estates Land Act may therefore stand.

(Sd.)

which the general principle no draft is as stated in the Assistant Secretary's not above, the volume of work involved in reducing rent in nearly 8000 whole main villages has also to be kept in mind. I am still of the view that if the main zamindars bill islikely to go through within a reasonable time, all that is necessary is to put in a Section then empowering the Settlement offer to reduce rents during the interim period on the basis of the general principle adopted in this bill. In the alternative, inam villages may be excluded from the scope of the bill. I realize that this is not a logical course, but I am thinking of the innumerable practical dithanthes in giving effect to the provisions of this bill within a reasonable time.

(Sd.)

LEGAL DEPARTMENT.

This raises what is solely a question of policy. I would like only to add that the case of inam villages granted to religious or charitable institutions has to be specially considered. If the reduction of income sustained by these institutions consequent on the lowering of rents to the ryotwari level is to be made good to them by Government, as proposed by Revenue in connection with the main Zamindari Abolition Bill, perhaps the best course will be to leave out at least these inams from the present Bill. Alternatively, the responsibility of Government to make good the loss of income to these institutions should be laid down in clear terms in this Bill itself.

(Sd.)

REVENUE DEPARTMENT.

To Secretary

The question whether whole inam villages, estates and under tenures in estates belonging to religious and chairtable institutions should be excluded altogether from the scope of the zamindari Abolition Bill and if not, whether the diminution in the income of the institutions as a result of theabolition proposals will be made good by the Government by means of an annual lump sum grant to each institution is separately under consideration. In that connection Honourable Prime Minister directed that, assuming that the ryots of inam villages belonging to these institutions also desired to have the rents reduced to ryotwari levels, the question how far such reduction of rent affected the temple administration should be examined with reference to a few selected temples. This question is being examined separately by the Board of Revenue. The points for orders in this file are--

(1) Whether the decision to include all inams

scope of the present Bill ~~x~~ will stand;

(2) whether, in the case of whole inams belonging to religious and charitable institutions the reduction of income sustained by the institutions consequent on the lowering of rents to ryotwari levels will be made good by the Government, and, if, so,

(3) whether the responsibility of the Government to make good the loss of income should be laid down in clear terms in the Bill itself.

(Sd.)

There seems to be no reason for the Government to make good to religious and charitable institutions, the reduction of income that will be sustained by the latter consequent on the lowering of rents to the ryotwari level. The reasons for which the Government propose to ~~x~~ reduce the rents in estates to the ryotwari level are (1) that they are substantially higher than the ryotwari assessments, (2) that they are beyond the capacity of led ryots to pay and (3) that there is consequently much discontent in the minds of the estate ryots. If the zamindars are said to be rack-renting their ryots, the religious and charitable institutions owing whole inam villages have also equally offended in this respect. The object of the Bill is to bring down the prevailing high rents in estates to the level of the ryotwari assessments which are considered to be fair and equitable. It is presumed that the intention of the Government is only to wake good to the religious and charitable institutions the dimunition in their income on account of the abolition of their estates (when the abolition take place) and not also the loss of income to be sustained by them on account of the reducting of rents to the ryotwari level. If this presumption is correct, points (2) & (3) a page 2 (b) above do not arise and orders are solicited on point(1) on that page.

(Sd.)

1.It has been already decided that Inam which came under the Estates Land Act should be included.

2. I think the Government will have to see that the loss of income to these charities should be made good.

3. I do not think it is necessary to make a provision of the kind in the bill.

(Sd.)

2. (1) The Provincial Government may appoint a special Officer for any estate or estates, for the purpose of determining fair and equitable rates of rent for lands ~~xxx~~ in such estate or estates, taking the assessment fixed for similar ryotwari lands in the neighbourhood as the basis.

The Special Officer to determine rates of rent with reference to assessments in neighbouring ryotwari areas.

(2) The rates shall be determined separately for each village in an estate, and in each village separately for each class of lands therein, namely, wet, dry and garden.

(3) The rates determined for each village shall be based, as far as possible, on the average assessments prevailing in respect of the different classes of land in the nearest ryotwari of a generally similar character due allowance being made for any difference in the conditions prevailing in the two villages.

(4) Nothing contained in this section shall be deemed to enable the Special Officer to determine for any land a rate of rent higher than that payable therefore at the commencement of this Act.

Bar of jurisdiction.

6. No order under section 4, sub-section (2), Kshall be liable to be questioned in any Court of Law.

LEGAL DEPARTMENT

This may be renumbered as clause 5 and the figure 4 in the clause changed into 3, if the draft combining clauses 2 and 3 into a single clause is accepted.

(Sd.)

REVENUE DEPARTMENT.

To Secretary.

This is a consequential amendment and may be accepted.

(Sd.)

may be accepted.

(Sd.)

7. (1) All rents fixed for lands in any estate by an order made under section 4, sub-section (2), shall be deemed to have been provisionally fixed; and the assessments fixed for such lands by the ryotwari settlement introduced in the estate in accordance with the provisions of any law which may hereafter be passed on the subject, shall be deemed to be the rents lawfully due to the landholder for the period commencing KX with the fasli year 1357 and ending with the commencement of the fasli year in which the estate may finally be taken over by the Provincial Government; and the rights of the landholder and the ryots shall be adjusted accordingly.

(2) The Provincial Government shall have power to direct that any amount found to be due on such adjustment from any ryot to the landholder or VICE VERSA Kshall be paid either in a lump sum or in such number of annual instalments as may be fixed by them, and the amount or each instalment thereof, as the case may be, shall be paid on or before such date as may be fixed by the Provincial Government.

Remarks of the Board of Revenue.

Section 7: The Board considers that no adjustments such as those contemplated in this section are necessary. The X interim rates may be declared to be the lawful rates payable from the fasli in which they are fixed, and up to the Fasli XK in which the ryotwari settlement is finally introduced. From the latter fasli, the ryotwari settlement rates fixed, may be made payable to the Government. Adjustment will mean unnecessary work and cause confusion besides demanding expenditure on staff, accounts etc.

2. If, however, the Government consider that the section should be retained and that such adjustment should be made, the Board would submit that provision ought to be made for the recovery by the Government of the amount under Section 7(2) not paid in accordance with the direction issued by the Government as an arrear of land revenue and payment of the same to the landholder or ryot as the case may be.

Remarks of the Board of Revenue

Section 5. According to this section the rate of rent payable to Zamindar will become reduced even prior to his estate being taken over and compensation being paid to hims. As this would amount to expropriation, the Board considers, that some provision must be made for at least a proportionate reduction of Peishkush during this period.

REVENUE DEPARTMENT.

To Assistant Secretary.

The same question was raised by the Board when it first submitted its remarks on the proposals for reducing rents in zamindari areas to neighbouring ryotwari levels.-. Vide para 2 on page cf of G.O.No.2201 Revenue dated 23.9.47. The question whether the Bill, which is intended to reduce rents in estates to what is considered a reasonable level with reference to the conditions existing at the pResent time will give the landholders a legitimate claim for compensation was specifically put to the Advocate General. The Advocate General considered that there was no compulsory acquisition for public purposes of any, land and that therefore the proposed Bill need not provide for payment of compensation to landholders. The question of reducing the peishkush proportionately does not therefore arise.

The rents prevailing in estates are proposed to he reduc because the landholders have increased them to such extent a to make them beyond the capacity of the ryots to pay and the is discontent among the ryots on this account. The Advocate General has advised that the proposed reduction of rents will not give a claim to the landholders for compensation. It is presumed that the Government will not agree to allow any pro portionate reduction of peshkash to the zamindars as suggested by the Board.

To Assistant Secretary.

Para 1 of the Board's remarks. The suggestion that the proposed reduction should be tentative and that a final adjustment should be made after the completion of the ryotwari settlement to be effected when the Bill to abolish the zamindari system has become law, emanated from the Legal Department.- vide Para 2 of that Department's note on page 24 and para 3 on page 30 n.f. of G.O.No.2201 Revenue dated 23.9.47. Clause 7(1) on page 9 above gives effect to this suggestion. The intention is that, where the existing rent is higher than the neighbouring ryotwari assessment, the rent should be reduced to the level of that assessment while, where it is lower than the assessment, it should not be enhanced to that level. In most cases it may happen that, as the proposed reduction will be fixed immediately for any area may be higher than those which will be fixed under a regular settlement after the Abolition Bill becomes law, and the ryot would have paid rent at higher rates during the interim period. There is no reason why the ryot should not get the benefit of the adjustment contemplated in clause 7(1) on page 9 above. The clause may, it seems, stand as it is.

Yes.As the reduction is to be made on a rough & ready basis it can be only tentative as such provision for adjustment seems to be necessary/ The clause may accordingly stand.

2.Para 2 of the Board's remarks on page 9 ante. The Board's suggestion may be accepted. It would seem preferable to embody the suggestion in a separate sub-clause clause 7, somewhat as follows:- (Sd.)

" (3) The lump sum or the annual instalment referred to in sub-section (2) shall be recoverable as an arrear of land revenue and shall be paid to the landholder or the ryot as the case may be."

(Sd.)

LEGAL DEPARTMENT.

Legal will consider the wording of the provision should be and where the provision should be made.

The provision suggested above may remain as sub-section (3) of this section and may be recast as follows:-

"(3) The lump sum or the annual instalment referred to in sub-section (2) shall be recoverable as an arrear of land revenue, and shall, on recovery, be paid to the land-holder or the ryot, as the case may be."

8. The Provincial Government may make rules to carry out the purposes of this Act.

LEGAL DERARTMENT.

This may be renumbered as clause 7, if the draft combining clauses 2 and 3 into a single clause is accepted.

REVENUE DEPARTMENT.

To Secretary.

This is a consequential amendment and may be accepted.

(Sd.)

9. If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

LEGAL DEPARTMENT.

This may be renumbered as clause 8, if the draft combining clauses 2 and 3 into a single clause is accepted.

(Sd.)

REVENUE DEPARTMENT.

To Secretary.

This is a consequential amendment and may be accepted.

(Sd.)

may be accepted.

(Sd.)

The Madras Estates Land (Reduction of Rent) Bill, 1949 - Select Committee certain points raised by Sri. N.S. Varadachari - Clarification.

To Assistant Secretary. Honourable Minister (Land Revenue) desired that a note be prepared on the following points which were raised by Sri N.S. Varadachari at the Select Committee meeting on theMadras Estates Land (Reduction of Rent) Bill, 1947 held on 5.11.47:-

(1) Is an inamdar an intermediary?
(2) Extent of land belonging to religious and charitable institutions.
(3) Rates of rent charged by inamdars.
(4) Position regarding large extents of land inamdars.

The following note is submitted.

Point (1): Is an inamdar an intermediary? The origin of the inam tenure can be traced to grants made by Hindu rulers for the support of temples and charitable institutions, for the maintenance of holy and learned men and as rewards for public service, etc. This practice was followed by the Muhammadan rulers and by British administrators until about a century ago. Accoring to the ancient Hindu Law, there were two beneficial interests in land, namely, (1) that of the soveriegn or his representative and (2) that of the cultivator holding the land. The sovereign's right to collect a share of the produce of the cultivted land, was known by the name 'melwaram', the share of the ryot or the cultivator being known by the name 'kudivaram'. The ryot's right arose from occupation of the land. Thus, the grant of an inam did not touch, and could not have touched, the cultivator's right in the land, namely, the kudivaram, except in the rare case where the grantor was also holding the cultivator's interest at the time of the grant. The Madras Estates Land Act, 1908, is based on a recognition of a similar limitation on the grants in the case of zamindaris, that is, that the zamindar obtained by his grant only a limited right over the land and not the full ownership. Similarly an inam granted by a zamimdar or official or other person could not confer by the inam grant any higher title, whatever the terms of the grant may have been.

In this connection, it is relevant to notice the provisions of the Madras Inams Act, 1869 (Madras Act VIII of 1869). This Act, which is still in force, declares that the enfranchisement of an inam and the grant of a title deed to the inamdar should not be deemed to define, limit, infringe or destroy the rights of any description of holders or occupiers of the lands from which the inam was derived or drawn, or to affect the interests of any person other than the inamdar named in the title deed, or to confer on the inamdar any right in the lands which he would not otherwise possess. Thus the right of an inamdar does not ordinarily in the case where the inam consisted of an entire village, for it is extremely unlikely that the inamdar was occupying the whole village as an occupancy ryot at the time of the grants has lawfully acquired kudivaram right with whole village since Consequently inam villages were treated as estates and placed on exactly the same footing as zamindaris in the Madras Regulations of 1802 and 1822; the Madras Rent Recovery Act, 1865 (Madras Act VIII of 1865), the Madras Proprietary Estates Village Service Act, 1894 (Madras Act II of 1894), and the Madras Hereditary Village Offices Act, 1895 (Madras Act III of 1895). They were also treated in the same way in the Bill of 1905 which became the Madras Estates Land Act, 1908. The Act left it to the courts to decide whether an inam village or any portion of it was an estate governed by the Act or not, that is, whether the inamdar possessed only the melvaram or whether he possessed in addition the kudivaram also.

Until the 1st July 1918, the Government and the courts held that the burden of proving that the inamdar had the kudivaram right lay on him. But this position was altered by the Privy Council decision of that date (I.L.R.) 41 Madras, 1012). That decision and the subsequent decisions of the Privy Council laid down that the burden of proof did not lie either on the inamdar or on his tenant but that each case should be decided on its own merits. As the ryots however usually had no documents to support their claims and frequently were not in a position to meet the cost of litigation or to pay the fees due to leading lawyers or even to appreciate their own customary rights, the Privy Council decisions operated

heavily in favour of the inamdars. The inamdars were thus able to acquire from the ryots rights which were not conferred on them by the inam-grants, were not theirs when the grants were made and had not been lawfully acquired by the since.

It has always been the policy of the Government to recognize the occupancy right of the ryot so long as he pays the revenue to Government or the rent to the intermediaty where the Government's right to collect revenue has been conferred on an intermediary.

The Act of 1908 placed inam villages on which the land revenue has been granted in inam on the same footing as zamindars. Section 3(2) (d) of the Act ran as follows:-

"any village of which the land revenue alone has been granted in inam to a person not entitled to the kudivaram thereof, provided the grant has been made, confirmed or recognised by the British Government or any separated patt of such village."

"In 1936, by the Madras Estates Land (Third Amendment) Act, XVIII of 1936, all inam villages were brought within the definition of 'estates' in the Estates Land Act. The section as revised in 1936 runs as follows:--

Any inam village of which the grant has been made, confirmed, or recognised by the British Government notwithstanding that subsequent to the grant, the village has been partitioned among the grantees or the successors in title of the grantee or grantees."

In this way, by the Acts of 1908 and 1936, the zamindari system was applied to whole inam villages and the inamdars came to be treated in the same way as zamindars , i.e., as intermediaries between the State and the ryots.

Pont (2): Extent of lands belonging to religious and Charitable institutions:

The Board of Revenue which was asked to furnish figures showing he extent of lands belonging to religious and charitable institutions has furnished figures for only certain districts. The figures o far received have been tabulated in the statement appended this note.

Point (3): Rates of rent charged by inamdars. From the eports so far received from the Board relating to certain selected temples, the rates of rent charged are as shown below:--

Point (4): Provisions regarding leases large extents, of land

The suggestion is that in cases where large extents of land, say 500 to 1000 acres, have been leased by inamdars (mostly big temples) the lessee is the person who will benefit big temples) the lessee is theperson who will benefit by the proposed reduction of rent and who will ultimately claim occupancy right in the lands and that therefore cases of this kind should be taken into account in legislating for reduction of rents in estates. It is submitted that the object can be achieved by making a provision in the Bill to the effect that in cases where an inamdar has leased lands to a person after 1.11.33 the lessee shall not have any occupancy right in such lands not withstanding 'anything' contained in any other law for the time being in force

(Sd.)
S. Jagannadhan 9.6.54.
OFFICE ASSISTANT.
MADRAS RECORD OFFICE..

ND. 5/6/54.

To Assistant Secretary.

Please see the D.O. on page 1 ante and the remarks of the Special Officer and the Board of Revenue on page 3-9 above. Necessary amemdments have been moved to the reduction of Rent Bill as amended by the Committee and the Bill has been passed into law by the Assembly 12.12.47. These papers may be added to the papers relating to the Act.

(Sd.)
15.12.47.

OFFICE ASSISTANT
MADRAS RECORD OFFICE.

C.N.V.
23.12.

5/6/52